

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JULIO CESAR MENDOZA CHAVEZ,
Plaintiff

V.

) CIVIL ACTION NO.05-11379 MLW

MICHAEL CHERTOFF, as Secretary of the Department Homeland Security; BRUCE CHADBOURNE, Field Director for Detention and Removal, New England Field Office, United States Immigration and Customs Enforcement; ANDREA J. CABRAL, Suffolk County Sheriff; GERARD HORGAN, Superintendent, Suffolk County House of Corrections; MICHAEL GARCIA, Assistant Secretary, United States Immigration and Customs Enforcement; and ALBERTO GONZALES, Attorney General of the United States

Defendants

**EMERGENCY MOTION
FOR STAY OF REMOVAL AND
STAY OF TRANSFER**

Julio Cesar Mendoza Chavez, Petitioner/Plaintiff, through his attorney, shows the Court that he filed on June 29, 2005 a Complaint in the nature of a Verified Petition for a Writ of Habeas Corpus, Petitioner asks this Court through the writ to review his unlawful detention by the Respondent/Defendants, to review the enforcement of an order of deportation that either was discharged by reason of Petitioner's departure from the United States outside a period of voluntary departure or else failed to arise by reason of Petitioner's departure from the United States during a period of voluntary departure and to stay Petitioner's transfer from Boston, Massachusetts to Oakdale, Louisiana and his removal from the United States.

Petitioner shows this Court that, as of June 29, 2005, he was held at the Suffolk County

House of Correction in the immediate custody of Respondent/Defendant Gerard Horgan,

Allowed, defendant shall not remove plaintiff pending consideration by the court of its jurisdiction and shall file an opposition to the petition by July 7, 2005. Repon Zibel. 7/1/05

Superintendent of the Suffolk County House of Correction, and of Respondent/Defendant
Andrea J. Cabral, Sheriff of Suffolk County, Massachusetts.

Petitioner shows this Court that Respondent/Defendant has stated that his office will transfer Petitioner to an Immigration and Customs Enforcement detention facility in Oakdale, Louisiana as early as June 30, 2005 in preparation for the removal of Petitioner to Honduras.

For the reasons set forth in Petitioner's Verified Petition, Petitioner seeks a stay of the transfer and a stay of removal during the pendency of the proceedings herein.

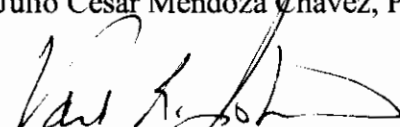
Moreover, because the transfer and removal could occur at any time, Petitioner asks this Motion to be heard on an emergency basis.

Petitioner prays the Court to set a time and date for the hearing forthwith.

Dated this 1st day of July, 2005.

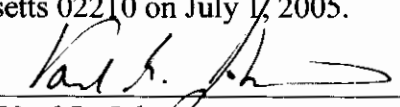
Julio Cesar Mendoza Chavez, Petitioner

By:


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Petitioner's Attorney

Certificate of Service

I, Vard R. Johnson, certify that a true copy of the above document was served upon the United States Attorney for the District of Massachusetts by leaving a copy of the same at the office of the United States Attorney for the District of Massachusetts, Moakley Courthouse, Suite 9200, 1 Courthouse Way, Boston, Massachusetts 02210 on July 1, 2005.


Vard R. Johnson